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09/686,626	10/12/2000	James A. Satchell JR.	TPP31333	6147

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Stevens, Davis, Miller & Mosher  
1615 L St., N.W., Suite 850  
Washington, DC 20036

EXAMINER

GARLAND, STEVEN R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 08/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/686,626

Applicant(s)

SACHELL ET AL.

Examiner

Steven R Garland

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2002 and 11 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12,31-41,60-113 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12,31-41,60-113 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,822,216 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

2. It is noted that the U.S. application 08/429583 was given the filing date of 08/17/95 on the basis of the specification and drawings originally filed 4/27/95. The specification and drawings as originally filed 4/27/95 do not specifically mention the term "Internet". Also the 08/429583 was filed by a sole inventor. The introduction of the term "Internet" appears in the 08/715232 application filed by joint inventors, which application 08/715232 is a continuation in part application of the 08/429583 application, and on the basis of the added subject matter including the term "Internet" the current application is only entitled to the filing date of the 08/715232 application in regards to Internet subject matter. Note is also taken applicant's definition of "Internet" in col. 4, lines 39-41.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 78,105,37,38,95,39-41,89,81,82,85,102,103,97,100, and 112 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Various terms lack a proper antecedent basis.

Claim 78, line 2, The computer assembly " lacks a proper antecedent basis.

In claim 105, various terms lack a proper antecedent basis , for example in lines 1-2, "the Internet site"; in line 2 , " the Internet provider" and " the manufacturer "; and in lines 2-3, " the vendor" all lack a proper antecedent basis.

In claim 37 it is indefinite what function or functions the mechanism can perform since line 2 appears to require that recording, storage, and playback be performed while several of the listed alternatives do not allow all the functions to be performed and lines 6-8 require that uploading and downloading be able to be performed.

In claim 39, line 7, it is indefinite whether the " said audio-video mechanism " and the " said audio-video storage mechanism " are the same thing or not. If they are not then the " said audio-video storage mechanism " lacks a clear antecedent basis.

In claim 89, line 1, " the payment " lacks a proper antecedent basis.

Claim 81, line 2 " the manufacturer " lacks a proper antecedent basis.

Claim 82, line 2, " the owner "lacks a proper antecedent basis.

Claim 85, lines 1-2, " the communication "lacks a proper antecedent basis.

Claim 102, line 2, " the Internet provider "lacks a proper antecedent basis.

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Claims 97, 100, and 112 have problems similar to the various examples given above.

The remaining claims fall with the parent claims.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 31-37, 60-64, 66, 69, 72-74, 76-84, 87-89, 94-108, and 110-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Bernstein et al. 5,761,071.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that

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the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine with a browser and mouse.

Bernstein et al. disclose a vending machine, such as a ATM with Internet access, use of a computer, mouse, browser, bookmarks, modem or antenna, display of information when the machine is idle. See the abstract, figures, col. 1, line 9 to col. 2, line 52; col. 3, line 66 to col. 4, line 42; col. 6, lines 40-49; and col. 7, lines 25-33.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Bernstein and modify the vending machine and its door to provide Internet access using a browser and mouse. This would allow a wider range of transactions and increase the revenue from the machine.

8. Claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Barcelou 6,048,271.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote

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site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine, use of a camera to record an image on a medium, or use of a microphone.

Barcelou discloses a device that can vend products and also perform other functions. Barcelou discloses the use of a computer; speakers, microphone, accepting and dispensing cash, credit, etc.; use of a camera to record an image on a medium; use of the device to access a host of Internet services and other services; use of a card reader; recording on cards, disks, etc.; and advertising. See the abstract; figures; col. 2, lines 43-55; col. 3, line 17 to col. 4, line 63; col. 5, line 10 to col. 6, line 6; and col. 7, line 52 to col. 9, line 23.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Barcelou and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions, allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

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9. Claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269.

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine, use of a camera to record an image on a medium, or use of a microphone.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.



It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions, allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

10. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269 as applied to claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 above, and further in view of Brown 5,445,295 (cited by applicant).

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine, use of a camera to record an image on a medium, or use of a microphone.

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Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions , allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

Bradt and Peters however do not teach the use of headphones.

Brown teaches the alternatives of headphones or speakers in a vending machine. See col. 5, lines 1-5.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Peters in view of Brown and provide the device with headphones for private listening and reduce background noise.

11. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Bernstein et al. 5,761,071 as applied to claims 31-37, 60-64,66,69,72-74,76-84,87-89,94-108, and 110-113 above, and further in view of Small 5,513,117.

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Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine with a browser and mouse.

Bernstein et al. disclose a vending machine, such as a ATM with Internet access, use of a computer, mouse, browser, bookmarks, modem or antenna, display of information when the machine is idle. See the abstract, figures, col. 1, line 9 to col. 2, line 52; col. 3, line 66 to col. 4, line 42; col. 6, lines 40-49; and col. 7, lines 25-33.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Bernstein and modify the vending machine and its door to provide Internet access using a browser and mouse. This would allow a wider range of transactions and increase the revenue from the machine.

Bradt and Bernstein however do not teach the use of a trackball.

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Small teaches the alternatives of a mouse or trackball in vending machine. See col. 6, lines 60-65.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Bernstein in view of Small and use a trackball instead of a mouse. This would reduce the chance of damage to the input device and prevent wires from dangling.

12. Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradt et al. 4,839,505 in view of Peters 5,769,269 as applied to claims 31-41, 60-66, 68, 69, 71-74, 76-108, and 110-112 above, and further in view of Brandes et al. 5,090,589 ( cited by applicant ).

Bradt et al. teaches a vending machine with a hinged door having a computer, modem, display, credit card reader, and bill or coin acceptor mounted on the door. Bradt also teaches that the computer can send and receive information from a remote site such as the owner or by linking to a credit card company. Bradt further teaches that the dispensed items can be video tapes, music disks, or other items, dispensing the items through the door, storing the items in the machine, use of a keypad, and advertising when the machine is available. See the abstract; figures; col. 1, lines 9-13; col. 2, lines 26-42; col. 7, line 29 to col. 8, line 31; col. 9, lines 27-60; col. 10, lines 19-45; col. 12, lines 3-18, col. 13, line 66 to col. 13, line 68; col. 18, lines 30-58; col. 19, lines 49-55; col. 24, lines 55-60; col. 33, lines 52-65; and also note fig. 2.

Bradt however does not specifically teach Internet access using a vending machine , use of a camera to record an image on a medium, or use of a microphone.

Peters discloses a computer controlled vending machine which can be connected to various sites; use of a ISDN connection ( Internet ); use of live video/audio; recording audio/video signals on CD's, tapes, etc.; use of a modem; use of a camera and microphone; advertising; use of debit/credit cards; use of a keyboard; money return; use of a door; etc. See the abstract; figures; col. 1, line 15 to col. 3, line 59; and col. 4, line 45 on.

It would have been obvious to one of ordinary skill in the art to modify Bradt in view of Peters and modify the vending machine and its door to provide Internet access and also provide a camera and microphone on the door. This would allow a wider range of transactions , allow audio and video signals to be recorded or used in communication with various external sites, and increase the revenue from the machine.

Bradt and Peters however do not teach the use of backlighting and the use of plate on the front of the vending machine.

Brandes et al. teach the use of a plate and backlighting on a vending machine. See the abstract and col. 4, lines 34-43.

It would have been obvious to one of ordinary skill in the art to modify Bradt and Peters in view of Brandes and use backlighting and a plate on the front of the vending machine to promote use of the machine and allow the controls to be conveniently grouped.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horne et al. 5,091,713 is of interest in control of a vending machine. Hill, III 5,646,819 is of interest in Internet access.

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14. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

15. Claims 1-12, 31-41, and 60-113 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175.

The supplemental amendment submitted 7/11/02 corrects additional errors after the filing of the supplemental declaration of 6/27/02.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday –Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239; for after final faxes 703-308-7238; and for non official faxes 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

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SR-6  
Steven R Garland  
Examiner  
Art Unit 2125

L. P. Picard

LEO PICARD  
SUPERVISORY PATENT EXAMINER  
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